

**EOD**  
06/11/2020

**CASE NO. 16-90126**

## CHAPTER 11

**Defendants.**

America:0105342/00005: 82956328v.1

Considering the Motion for Entry of Consent Judgment (the “Motion”) filed by Texas Pellets, Inc. (“TPI”) and German Pellets Texas, LLC (“GPTX”) as the Reorganized Debtors (collectively, “Plaintiffs” or “Debtors”), and further considering the agreement to enter into this Consent Judgment by Specialized Maintenance Services, Inc. and Cogbill Construction, L.L.C., (collectively “Defendants”) in this adversary proceeding, in the above-captioned lawsuit, the Court hereby finds and orders as follows:

A. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157(b) and 1334. Venue of the Chapter 11 Case and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

B. The following Defendants have filed the following liens (the “Liens”):

- (1) Specialized Maintenance Services, Inc. – Affidavit for Mechanic’s and Materialman’s Lien Affidavit in the amount of \$18,449.50 recorded on October 29, 2015, at Vol. 1135, Page 381, Official Records of the Tyler County, State of Texas.
- (2) Cogbill Construction, LLC – Affidavit for Claim for Mechanic’s and Materialmen’s Lien in the amount of \$5,531.29 recorded on October 30, 2015, at document reference number 2015035808, Official Records of Jefferson County, State of Texas.

C. The following claims were either filed by Defendants or scheduled by the Debtors (the “Claims”):

- (1) Claim No. 2 [Case No. 16-90126] filed by Specialized Maintenance Services, Inc. against Texas Pellets, Inc. in the amount of \$11,640.00 on May 17, 2016 scheduled on Schedule E of the Schedules of Assets and Liabilities filed by German Pellets, Texas LLC. [Docket #634] in the amount of \$11,640.300 on May 31, 2016.
- (2) Claim No. 1 [Case No. 16-9026] and Claim No. 2 [Case No. 16-90127] filed by Cogbill Construction, LLC against Texas Pellets, Inc. in the amount of \$44,712.24 on May 16, 2016 scheduled on Schedule E of the Schedules of Assets and Liabilities filed by German Pellets Texas, LLC.

**IT IS HEREBY ORDERED, ADJUDGED, and DECREED** that the Liens and Claims, and any further claim, asserted by any and all of the Defendants in the above-captioned bankruptcy cases of TPI and GPTX shall be treated as general unsecured claims for all purposes, including, but not limited to, voting and distributions, subject to any and all counterclaims, claims, rights of setoff and recoupment, or other defenses thereto.

**IT IS FURTHER ORDERED, ADJUDGED, and DECREED** that this Court hereby authorizes and directs the Clerk of Court and Recorder of Mortgages for Tyler and Jefferson Counties, State of Texas, to cancel from their records (by making the appropriate notations in the margins of such instruments), each of the Liens set forth above.

**IT IS FURTHER ORDERED, ADJUDGED, and DECREED** that the Claims are hereby ALLOWED as general unsecured claims only in the amounts set forth below; and to the extent asserted as secured or administrative claims, the below claims are reclassified as general unsecured claims:

<b>Debtor</b>	<b>Claimant</b>	<b>Claim Number</b>	<b>Allowed Claim Amount</b>
Texas Pellets, Inc.	Specialized Maintenance Services, Inc.	2-1	\$11,640.00
Texas Pellets, Inc.	Cogbill Construction, L.L.C.	1-1	\$44,712.24
German Pellets Texas, LLC	Cogbill Construction, L.L.C.	2-1	\$ 0.00

**IT IS FURTHER ORDERED, ADJUDGED, and DECREED** that the total amount of \$127,977.24 from the Distribution Reserve as defined under May 16, 2019 *Order Granting the Debtors' Motion for Entry of an Order Authorizing (A) the Sale of Substantially All of the Debtors' Assets, and (B) the Assumption and Assignment of Certain Executory Contracts and Unexpired Leases* [Docket # 1163], relating to the Claims, is hereby released and is to be paid to the Bond Trustee as Sale Proceeds under Paragraph 29 of the Sale Order.

**IT IS FURTHER ORDERED, ADJUDGED, and DECREED** that nothing in the Motion or this Order constitutes a waiver of the rights of the Debtors or their estates to object to any claims not previously disallowed or to assert any claims, counterclaims rights of offset or recoupment or any other claims against any claimants asserting claims against the Debtor, all of which rights are expressly preserved.

*BP* **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that the entry of this separate consent judgment as against these particular defendants is appropriate under Fed. R. Civ. P. 54(b) and that this constitutes a final judgment as to such defendants.

Signed on 06/11/2020

A handwritten signature in black ink, appearing to read "Bill Parker", written in a cursive style.

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THE HONORABLE BILL PARKER  
CHIEF UNITED STATES BANKRUPTCY JUDGE

Submitted by:

/s/ C. Davin Boldissar

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